

MDR Tracking Number: M5-04-1968-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 12-16-03. The requestor submitted a letter of withdrawal for code 93799 billed for date of service 6-4-03 and denied as "R".

I. DISPUTE

Whether there should be reimbursement for code 99213 billed for date of service 4-21-03 and denied as "P".

II. RATIONALE

On 5-17-04, the Division submitted a Notice to the requestor to notify the requestor that they failed to make payment of the IRO fee as required by Commission Rule 133.308(r)(1)(B) and subsequently, the medical necessity issues were dismissed. Per Rule 133.307(g)(3), the Notice also requested the requestor to submit additional documentation necessary to support the fee charges and to challenge the reasons the respondent had denied reimbursement within 14 days of the requestor's receipt of the Notice.

Code 99213 billed for date of service 4-21-03 was denied as "P – overpayment recoupment." The EOB does not indicate that a payment was made. Carrier states in their position statement on the table of disputed services that range of motion and muscle testing were reimbursement on this date of service and that these services are included with an evaluation. Per the 1996 Medical Fee Guideline, muscle testing and range of motion testing are not global to office visits. Therefore, recommend reimbursement of \$48.00.

ORDER

On this basis, and pursuant to §§402.042, 413.016, 413.031, and 413.019 of the Act, the Medical Review Division hereby ORDERS the Respondent to pay the unpaid medical fees outlined above as follows:

- In accordance with the fair and reasonable rate as set forth in Commission Rule 133.1(a)(8) for dates of service through July 31, 2003;
- plus all accrued interest due at the time of payment to the requestor within 20 days of receipt of this Order.

This Order is applicable to date of service 4-21-03 as outlined above in this dispute.

The respondent is prohibited from asserting additional denial reasons relative to this Decision upon issuing payment to the requestor in accordance with this Order (Rule 133.307(j)(2)).

This Order is hereby issued this 8th day of November 2004.

Dee Z. Torres
Medical Dispute Resolution Officer
Medical Review Division